

IN SENATE OF THE UNITED STATES.

JUNE 20, 1848.

Submitted, and ordered to be printed.

Mr. WESTCOTT, made the following

REPORT:

[To accompany bill H. R. No. 403.]

The Committee of Claims, to whom was referred House bill No. 403, entitled "An act for the relief of Samuel A. Grier," report:

That the committee sent this case to the Auditor of the General Post Office for examination. His answer is as follows:

AUDITOR'S OFFICE, POST OFFICE DEPARTMENT,
June 17, 1848.

SIR: As you have requested me to examine the case of Samuel A. Grier, and express my opinion of the "bill" which has been passed by the House of Representatives for his relief, I have the honor to say, that, if his memorial be referred to, it will be found that Mr. Grier does not pretend that more has been collected than was due from his principal, Thomas M. Dennis, late postmaster at Randolph court-house; but rests his claim for relief solely upon the ground, that this department, by its suit and his own default, collected of *him* (Grier) a larger sum than the one for which he was *legally* bound as surety for Dennis. He admits that he was responsible, as surety aforesaid, for \$60 81, with interest from December 31, 1831, and the costs of the suit, and only claims that the excess of his payment, over and above these sums, should be refunded to him; and as the House of Representatives, with a sufficient understanding of the facts in the case, has approved and allowed his claim, I am not, I think, required to controvert it. Assuming, then, that he is entitled to relief, I presume the only point on which my opinion can be at all desirable is, as to the *extent* to which Congress should relieve him. And upon this point I would respectfully remark, that the "bill" which has been passed by the House in his favor, aimed to adopt, as the measure of relief to be afforded, the difference between the aggregate of the sums for which Mr. Grier admits himself to have been responsible, and the amount paid by him, as he alleges, to the deputy marshal; but it has fallen somewhat short of its aim. Relying upon the statement

of the memorialist, the act assumes that he paid the deputy marshal \$574 93, and designates \$462 10 as the sum to be refunded on account of his excessive payment; whereas had the act been shaped more strictly by the admissions of the memorialist (and these it was evidently intended it should follow) it would have exhibited the following statement of his indebtedness, viz: Amount of balance due December 31, 1831, \$60 81; interest thereon, until June 6, 1837, (the date of judgment,) \$19 82; and costs, \$52 02, in all, \$132 65; which, if deducted from the alleged payment of \$574 93, would leave \$442 28, instead of \$462 10, as the amount to be refunded.

But, with due deference to the opinion of the House of Representatives, I would respectfully remark, that it seems to me, the *true measure* of relief to be furnished by the *government* to the memorialist, is *not* the difference between what he ought to have paid, and what he may have paid to the *deputy marshal*; but it is rather the difference between what he owed to this department and what it actually received from him. And if this measure be applied, the following will be the result: The judgment against Mr. Grier was, as he has stated, for \$300, which, together with \$188 40, interest thereon, the marshal collected and *paid over* to this department; from the aggregate of these, say \$488 40, deduct for debt and interest actually due by Mr. Grier at the date of the judgment, \$80 63, and there will remain \$407 77 to be refunded to him. And, permit me to add, that as this department, and not the treasury, has had the benefit of whatever over-payment Mr. Grier may have made, the Postmaster General, and not, as the act prescribes, the Secretary of the Treasury, should be required to refund whatever sum Congress shall decide upon, as the excess in said payment.

Herewith I have the honor to return to you the bill and the papers which accompanied it.

I have the honor to remain, very respectfully, sir, your obedient servant,

P. G. WASHINGTON, *Auditor*.

Hon. J. D. WESTCOTT, jr.,
United States Senate.

The committee have amended the House bill as the Auditor suggests, and so amended, they recommend that it do pass.